

**REGULAR MEETING  
TRIBAL FORESTRY COMMITTEE  
AUGUST 30, 2010 – 4:00 P.M.  
TRIBAL OFFICE BOARDROOM**

1. Call to order and Roll call.

Chairperson Myrna Warrington called the meeting to order at 4:05 p.m. Roll call was taken with a quorum present. MEMBERS PRESENT: Myrna Warrington, Randal Chevalier, Louis Washinawatok, Alfred Pyatskowit (late), Walter Cox, Jeremy Pyatskowit, and Richard Warrington. MEMBERS ABSENT: David Grignon (excused) and Susan Waukau (excused). ALSO PRESENT: Christopher Caldwell, George Korn, and Colleen Waukechon, Recorder.

2. Moment of Silence.

A moment of silence was observed.

3. Approval of Minutes dated June 28, 2010.

There were no corrections necessary.

**Motion made by Randal Chevalier to approve the meeting minutes dated June 28, 2010. Second was by Richard Warrington. All those in favor of the motion signify by saying aye. Motion carried: 6 for, 0 opposed, 0 abstentions, and 2 absent (Grignon and Waukau).**

4. Election of Officers.

Vice-Chairperson

**Motion made by Richard Warrington to nominate Randal Chevalier for Vice-Chairperson. Second was by Louis Washinawatok.**

Randal Chevalier is the Vice-Chairperson of the Forestry Committee due to acclamation.

Secretary

**Motion made by Richard Warrington to nominate Susan Waukau for Secretary. Second was by Walter Cox.**

**Motion made by Randal Chevalier to nominate Alfred Pyatskowit for Secretary. Second was by Jeremy Pyatskowit.**

**By a show of hands, the following candidates received the following votes:  
4 for Susan Waukau, and  
2 for Alfred Pyatskowit**

Susan Waukau is the Secretary of the Forestry Committee.

5. Approval Fall / Winter 2011 Silvicultural Prescriptions: Discussion / Recommendations.

**Please Note: Alfred Pyatskowit entered the meeting at 4:15 p.m.**

Trust Resources Director Christopher Caldwell stated that these prescriptions are for Fall / Winter 2011 and they have obtained all the required signatures. He stated that the only problem he found was the lack of adherence to deadlines. They should have been approved by Menominee Tribal Legislature before April 30, 2010; however, the silviculturist did request a timeline waiver until May 28, 2010 which was approved by the Trust Resources Department. Mr. Caldwell stated that he did not hear from the silviculturist again until June 30, 2010 when he dropped the prescriptions off on his desk.

**Motion made by Randal Chevalier to recommend to the Menominee Tribal Legislature to approve the following (10) Silvicultural Prescriptions:**

**1) 105110101; 2) 201110102; 3) 209110103; 4) 310110105; 5) 340110106; 6) 342110107; 7) 345110108; 8) 108112001; 9) 112112002; and 10) 112110901. Second was by Jeremy Pyatskowit. All those in favor of the motion signify by saying aye. Motion carried: 6 for, 0 opposed, 0 abstentions, and 2 absent (Grignon and Waukau).**

6. MTL Compliance Plan Update.

Christopher Caldwell supplied the group with a memo dated July 22, 2010 which outlines the progress that has been accomplished on this project so far. At this point he needed to know if the Committee wants to make any further revisions to the Compliance Plan or leave the adopted plan as is and see if it serves the needs of the Menominee Tribal Legislature.

The Committee agreed that because this is a compliance plan and it is used to make sure an entity is complying with the procedures within the timeframe allotted, they would like to see the use of actual dates in the status column of the plan.

Christopher Caldwell stated that he had been working on a revision that included dates and the justification behind those dates, but he ran out of time and was unable to finish the document before the meeting. This is why he has included the motion from MTL concurring with this Committees' approval of the Compliance Checklist along with the approved version of the plan. He will make the suggested changes and bring back to the Committee next month.

Alfred Pyatskowit suggested including an annual review date in the document so that each year this Committee knows when this plan needs to be updated. Christopher Caldwell stated that he ran into a problem choosing a date because all the parties involved have a different fiscal year that they abide by. He suggested that the Committee pick a date for an annual review and he will still be able to give updates on certain issues in his monthly director's report.

**Motion made by Randal Chevalier to TABLE item 6. Second was by Jeremy Pyatskowit. All those in favor of the motion signify by saying aye. Motion carried: 6 for, 0 opposed, 0 abstentions, and 2 absent (Grignon and Waukau).**

7. Forest Management Plan Update.

Christopher Caldwell informed the committee that his department has moved forward with public comment period for the Forest Management Plan even though Menominee Tribal Enterprise has withdrawn their involvement. He has held meetings in the Zoar, Middle Village, and Neopit communities so far. The South Branch meeting will be on Tuesday, August 31, 2010 and the Keshena meeting will be Wednesday, September 1, 2010 both beginning at 6:00 p.m. He has revised the format of the meetings to simply give a quick update on the progress, what the FMP is and why it is needed, and then open it up for public comments. Once that is finished, he puts together a report and makes recommendations which will be submitted to MTL and the FMP Workgroup.

Mr. Caldwell notified the Committee that MTE may be developing a response to the last letter sent by MTL which informed them that the Tribe would be moving forward with the public comment period, requesting the FMP Task Forces to work together, requesting a joint meeting at the end of the public comment period, and requesting involvement with the technical aspect of the FMP. Neither the Chairman's Office nor his department has received a response yet.

Christopher Caldwell stated that he had been attempting to work with the Milwaukee and Chicago communities to set up a web-cast of the Keshena presentation. This may not happen due to their lack of technology and equipment. He has put ads in the Menominee Tribal News and on the Tribe's website along with update emails being sent to the Milwaukee and Chicago contacts to post in their areas.

The target date that Christopher Caldwell wanted to aim at to mail the completed and approved version out to BIA was in the first week in October 2010. He would like to stick to this date but is concerned that MTE's lack of involvement will push that back further.

8. Amendment to Ordinance 05-22 (Tribal Logging Practices): Discussion / Recommendations.

Christopher Caldwell supplied the group with a memo outlining the background of the ordinance, the policies that needed to be followed, along with his recommendations. He stated that there had been issues with MTE receiving the waiver request forms 5 working days prior to the deadline, but that has been changed.

The issue that still needs to be addressed is with Article IV Limitations on Tribal Logging Practices, Section E, Timber Harvest - Approval Process.

There were mainly numerical and grammatical changes that were being recommended, but the main thing Christopher Caldwell was trying to accomplish with the changes is to clarify who is responsible for routing the prescriptions through their whole process.

The group was skeptical about changing the process and allowing MTE to directly submit the prescriptions to this Committee. They agreed that one of the main functions of the Department of Trust Resources was to be the contact between MTE and MITW, and also to ensure compliance. They further agreed that the department has more expertise and working knowledge of the prescriptions to be able to review them before they are submitted to the Committee.

The Committee requested that Christopher Caldwell bring a red line version of the proposed changes to the ordinance for the next meeting. A motion will be made under item #15 Legal Needs for Next Meeting.

9. Draft Assessment on Ordinance 02-22 (Stumpage Assessment on Tribal Forest): Discussion / Recommendations.

Christopher Caldwell presented the group with a brief summary of the proposed formula for MTE's FY2010 stumpage bill.

The Committee was informed that this issue is currently in litigation. They discussed the fact that if it is resolved and there was no invoice submitted for FY2010 there may not receive payment. They also agreed that the ordinance must be complied with until it is changed or overruled.

Legislators Warrington and Chevalier stated that they believed these stumpage invoices were to be sent to MTE on a quarterly basis not just once per year.

Christopher Caldwell stated that the formula he used was based on MTE's reported volume that was cut, the rates from their reports, and by using their logging and hauling rates that they last supplied back in 2007.

Christopher Caldwell stated that if both parties do not agree on the assessment, the ordinance requires identified representatives to meet to discuss revisions to the assessment and update the information used in the formula. After requesting to meet with MTE members for such a meeting he received an email from MTE's Board of Directors Corporate Secretary stating, 'Mr. Miller has instructed me to inform you that the representatives noted within your email from MTE will not be attending the meeting. Per MTE Legal Counsel, the issue of payment of stumpage is unconstitutional in accordance with Article XII of the Constitution of the Menominee Indian Tribe of WI.'

Mr. Caldwell is recommending that Chairwoman Boivin send a correspondence to MTE requesting their participation in a meeting to address any revisions to the current formula.

**Motion made by Randal Chevalier to send proposed assessment for timber removed by MTE from FY2010 assessed at \$3,265,011.12 to the Menominee Tribal Legislature for concurrence with the discussed corrections. Second was by Walter Cox. All those in favor of the motion signify by saying aye. Motion carried: 6 for, 0 opposed, 0 abstentions, and 2 absent (Grignon and Waukau).**

Randal Chevalier requested that Christopher Caldwell attach the correspondence from MTE stating that their employees will not work with him on an assessment.

10. Plan for Non-Sustained Yield Forests and newly added forest lands: Discussion / Recommendation.

Christopher Caldwell supplied the group with a memo that outlines the work related to the development of a plan for management and conservation of lands designated as 'non-sustained yield.' The workgroup he has been working with on this matter came up with a few questions they needed answered by the Legal Department before they can move on.

Two motions will be made under item #15 Legal Needs for Next Meeting.

11. Sustained Yield Lands – Withdrawn and Added: Discussion / Recommendations.

There was nothing to discuss at this time.

12. Menominee Nursery: Discussion / Recommendations.

Myrna Warrington stated that there are 3 people who are going to Arlington, Washington in September to attend a workshop on tribal nurseries. This will be funded by a grant received thru College of the Menominee Nation. There will also be a conference on tribal nurseries hosted by CMN this fall. CMN is also in the process of writing for another grant to develop a Forestry Center which may allow room for a nursery where they can grow their own seeds instead of purchasing them as they do now. She stated that this will also allow an opportunity to sell trees and plants to the community.

Louis Washinawatok expressed his concerns about beginning another business for the tribe that may not succeed. He would like to see the monies that may be spent on a business like this given directly to the Menominee People instead.

Myrna Warrington stated that MTE currently spends thousands of dollars every year to state nurseries to purchase seedlings for planting purposes. She believes that those monies could be better spent by creating a nursery here on the reservation along with producing job opportunities for the Menominee people. She also stated that this is a possible venture that would be funded mostly by grants and not the Tribe.

Randal Chevalier reminded the group that the Menominee People are well known for their sustainable forestry practices and that those seedlings should be grown here on the reservation.

13. Trust Resource's Director's Report – June 2010 and July 2010.

Christopher Caldwell informed the committee that there is an estimated shortfall of the 638 contract funding for the forest management program of \$366,077.22. He wanted to make this information available in case there are any lobbying efforts being pursued that may assist

with this dilemma. Although this does happen every year, the invoices will continue to be submitted.

**Motion made by Alfred Pyatskowit to accept the Director's Report for June 2010 and July 2010. Second was by Jeremy Pyatskowit. All those in favor of the motion signify by saying aye. Motion carried: 6 for, 0 opposed, 0 abstentions, and 2 absent (Grignon and Waukau).**

14. Other Business.

There was no other business discussed at this time.

15. Legal Needs for Next Meeting.

**Motion made by Randal Chevalier to request a red-line version of Ordinance 05-22 with the Director of Trust Resource's revisions to go to the Legal Department for review. Second was by Richard Warrington. All those in favor of the motion signify by saying aye. Motion carried: 6 for, 0 opposed, 0 abstentions, and 2 absent (Grignon and Waukau).**

**Motion made by Randal Chevalier to send the issue of sustained yield / non-sustained yield lands question regarding 638 contract funding to the Legal Department for review. Second was by Alfred Pyatskowit. All those in favor of the motion signify by saying aye. Motion carried: 6 for, 0 opposed, 0 abstentions, and 2 absent (Grignon and Waukau).**

**Motion made by Richard Warrington to request status on the legal opinion on what the requirements are for lands to be held in sustained yield. Second was by Randy Chevalier. All those in favor of the motion signify by saying aye. Motion carried: 6 for, 0 opposed, 0 abstentions, and 2 absent (Grignon and Waukau).**

Chairwoman Warrington requested Christopher Caldwell to work with the Legal Department on these issues so they know exactly what he is looking for.

16. Adjournment.

**Motion made by Randal Chevalier to adjourn the meeting. Second was by Richard Warrington. All those in favor of the motion signify by saying aye. Motion carried: 6 for, 0 opposed, 0 abstentions, and 2 absent (Grignon and Waukau).**

Meeting adjourned at 6:05 p.m.

Respectfully submitted by,

Colleen Waukechon, Recorder/Transcriber  
Recording Clerk – Chairman's Office